

**I. (a) PLAINTIFFS**  
**BELINDA TAMEZ**

**(b)** County of Residence of First Listed Plaintiff --Harris

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*(EXCEPT IN U.S. PLAINTIFF CASES)*

**(c)** Attorneys *(Firm Name, Address, and Telephone Number)*

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> Federal Question  <i>(U.S. Government Not a Party)</i>
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>

IV. NATURE OF SUIT (Place an "X" in One Box Only)		
CONTRACT	TORTS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Pharmaceutical Injury  <input type="checkbox"/> 330 Federal Employers' Liability  <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Slander Personal  Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage  Product Liability
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure  <input type="checkbox"/> 230 Rent Lease & Ejectment  <input type="checkbox"/> 240 Torts to Land  <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting  <input type="checkbox"/> 442 Employment  <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment  <input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee  <input type="checkbox"/> 510 Motions to Vacate Sentence  <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other  <input type="checkbox"/> 550 Civil Rights

FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<p>525 Drug Related Seizure of Property 21 USC 881</p> <p>590 Other</p>	<p>☐ 422 Appeal 28 USC 158</p> <p>☐ 423 Withdrawal 28 USC 157</p>	<p>☐ 375 False Claims Act</p> <p>☐ 400 State Reapportionment</p> <p>☐ 410 Antitrust</p> <p>☐ 430 Banks and Banking</p> <p>☐ 450 Commerce</p> <p>☐ 460 Deportation</p>
	<p><b>PROPERTY RIGHTS</b></p> <p>☐ 820 Copyrights</p> <p>☐ 830 Patent</p> <p>☐ 840 Trademark</p>	<p>☐ 470 Racketeer Influenced and Corrupt Organizations</p> <p>☐ 480 Consumer Credit</p> <p>☐ 490 Cable/Sat TV</p> <p>☐ 850 Securities/Commodities/ Exchange</p>
LABOR	SOCIAL SECURITY	
<p>710 Fair Labor Standards Act</p> <p>720 Labor/Management Relations</p> <p>740 Railway Labor Act</p> <p>751 Family and Medical Leave Act</p> <p>790 Other Labor Litigation</p> <p>791 Employee Retirement Income Security Act</p>	<p>☐ 861 HIA (1395ff)</p> <p>☐ 862 Black Lung (923)</p> <p>☐ 863 DIWC/DIWW (405(g))</p> <p>☐ 864 SSID Title XVI</p> <p>☐ 865 RSI (405(g))</p>	<p>☐ 890 Other Statutory Actions</p> <p>☐ 891 Agricultural Acts</p> <p>☐ 893 Environmental Matters</p> <p>☐ 895 Freedom of Information Act</p>
	<p><b>FEDERAL TAX SUITS</b></p> <p>☐ 870 Taxes (U.S. Plaintiff or Defendant)</p> <p>☐ 871 IRS—Third Party</p> <p>26 USC 7609</p>	<p>☐ 896 Arbitration</p> <p>☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p>☐ 950 Constitutionality of State Statutes</p>
IMMIGRATION		
<p>462 Naturalization Application</p> <p>465 Other Immigration</p> <p>Actions</p>		

	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement		
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**V. ORIGIN** (Place an "X" in One Box Only)

☐ 1 Original State Court    
 ☐ 2 Removed from Appellate Court    
 ☐ 3 Remanded from Reopened    
 ☐ 4 Reinstated or Litigation    
 ☐ 5 Transferred from    
 ☐ 6 Multidistrict Proceeding

(specify)

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**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):  
 29 U.S.C. s 201 *ET, SEQ.*

Brief description of cause: UNPAID OVERTIME WAGES

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**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION    
 DEMAND \$ \_\_\_\_\_    
 CHECK YES only if demanded in complaint:

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**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

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DATE February 7, 2017     SIGNATURE OF ATTORNEY OF RECORD /s/ Thomas H. Padgett, Jr.

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**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNDER RULE 23, F.R.Cv.P.     **JURY DEMAND:** ☐ Yes ☐ No

JS 44 Reverse (Rev. 12/12)

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.